

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 13625 of First Rock Baptist Church, as amended pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.41 to use the basement of the subject premises as a day care center for ninety children and twelve staff in an R-2 District at the premises 4630 Alabama Avenue, S. E., (Square 5390, Lot 122).

HEARING DATE    December 9, 1981  
DECISION DATE: January 6, 1982

FINDINGS OF FACT:

1. At the public hearing, the applicant amended the application to seek a variance from the requirements to provide off-street parking spaces as set forth in Sub-section 7202.1.
2. The subject property is located in an R-2 District on the southwest corner of the intersection of Alabama Avenue and G Street, S. E.
3. The subject lot has a frontage of approximately 116 feet on Alabama Avenue and approximately 160 feet on G Street. The site is bounded by a sixteen foot public alley at the rear which leads out to G Street and Hilltop Terrace.
4. The site is improved with a red brick church building housing the First Rock Baptist Church. The building consists of a modern two-story wing which faces Alabama Avenue connected to an older church building which faces G Street.
5. The Church proposes to use the basement of the newer wing as a day care center. Access to the basement is from the G Street side of the Church.
6. The center as proposed would have a maximum of ninety children, to be served by a staff of twelve persons including nine teachers, a director, a cook and a custodian. The initial enrollment is projected to be from fifteen to twenty children. To accommodate sixty children, the center would have six teachers.
7. The overall hours of operation would be from 6:30 A.M. to 6:00 P.M., Monday through Friday.

8. The center would operate a pre-school program all day for children between the ages of two and six. The center would also operate a before and after school day care program for children between the ages of six and ten. The center would not be providing educational instruction in the nature of that normally provided by a public or private school.

9. The center would use a large basement area of the building for indoor play space. That area contains approximately 3,350 square feet, and would be reserved exclusively for use by the day care center during those hours that the center is open. The center would not conflict with other activities of the church.

10. The center would use a large grassed area to the south of the building for outdoor play area. That area contains approximately 3,500 square feet and is accessible from the building by a door on the south side of the Church. The outdoor play area is enclosed on the north side by the Church building, on the west by a six foot fence and on the south by a chain link fence on the neighboring property.

11. The center would serve the Benning Heights area, bounded roughly by Ridge Road on the south, Minnesota Avenue on the west, Benning Road on the north and Southern Avenue on the east. The enrollment for the center will come primarily from children residing in that neighborhood. With the number of existing children in the area and the need for day care, the center is reasonably necessary and convenient for that neighborhood.

12. There will be no articles of commerce for sale at the center.

13. A day care center having nine teachers would require six parking spaces. A center with six teachers would require four spaces.

14. There is no off-street parking for the Church. The applicant submitted a site plan, marked as Exhibit No. 23 of the record, which provides for four parking spaces at the rear of the old church building, to be reached from the sixteen foot public alley. These spaces would be nine feet wide but would be less than nineteen feet long, and thus could not count as required parking to meet the Zoning Regulations. The space would be large enough to accommodate most current vehicles.

15. Other than the area proposed for parking, there is no reasonable opportunity to provide parking on the site because of the layout of the church, grades and potential drainage problems.

16. There is existing parking available on streets surrounding the Church to accommodate the parking demand generated by the center. There is a bus route that passes directly in front of the Church.

17. Alabama Avenue and G Street are both local streets with sufficient capacity to accommodate any traffic that the center might generate.

18. The Office of Planning and Development, by memorandum dated December 3, 1981 and by testimony at the hearing, recommended that the application be approved. The OPD reported that there are only three existing day care centers in the subject neighborhood, and that there is a need for the proposed facility. Based on revised information from the applicant, the OPD advised that there was sufficient play space to accommodate sixty children. The OPD found that there is adequate room along the street frontage facing the Church to park approximately twelve automobiles. The OPD found that the center would create no objectionable traffic conditions. The OPD was of the opinion that the applicant met the requirements of Paragraph 3101.41 and Sub-section 8207.2 of the Zoning Regulations. The Board concurs with the findings and recommendation of the OPD.

19. The single member district commissioner from Advisory Neighborhood Commission 7E-08, in which SMD the subject property is located, submitted a letter in support of the application. There was no report or recommendation from ANC 7E as a whole.

20. Advisory Neighborhood Commission 7F, which includes property located directly across G Street to the north, by letter dated July 31, 1981, supported the application. The ANC did not foresee any impact on traffic or congestion in the area, and noted that there is a great need for the type of center, which will be of benefit to the area. The Board agrees.

21. The Benning-Ridge Civic Association, by letter dated June 23, 1981 supported the application.

22. There were petitions and letters in the record from owners and residents of surrounding property supporting the application.

23. There was no opposition to the application at the hearing or in the record.

#### CONCLUSIONS OF LAW AND OPINION

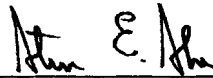
Based on the findings of fact and the evidence of record, the Board concludes that the applicant is seeking a

1. Approval shall be for a period of FOUR YEARS.
2. Operation of the day care center shall be restricted to the present applicant.
3. The maximum enrollment of children shall be sixty.

VOTE: 5-0 (William F. McIntosh, Lindsley Williams, Connie Fortune, Charles R. Norris and Douglas J. Patton to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
STEVEN E. SHER  
Executive Director

FINAL DATE OF ORDER: MAR 17 1982

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS AND INSPECTIONS.

special exception and a variance. In order to be granted such an exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.41 and Sub-section 8207.2 of the Zoning Regulations. The Board concludes that the applicant has so complied. There will be no articles of commerce for sale. The use will be reasonably necessary and convenient to the neighborhood. The use will not create dangerous or other objectionable traffic conditions.

As to the requested variance from the parking requirements, the Board concludes that such a variance is an area variance, the granting of which requires the showing of an exceptional or extraordinary condition of the property which creates a practical difficulty for the owner. The Board concludes that there is no reasonable location on the property to provide legal sized parking spaces to meet the requirements of the Zoning Regulations. The Board notes that four spaces can be provided on site, but that such spaces are too short to be counted as legal spaces. The Board further notes that twelve cars can be parked on the curb immediately adjacent to the Church. The Board concludes that there is a practical difficulty inherent in the property and that strict application of the Regulations would preclude the operation of what otherwise is a valuable addition to the neighborhood. The Board concludes that the requested variance relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and Maps.

The Board notes that a number of issues raised in the record suggest that enrollment at the school be limited to sixty children. First, the school will not reach the level of ninety children for some time with an initial enrollment projected of only fifteen to twenty. Second, the total play area projected is approximately 6,800 square feet, which would allow a maximum of only sixty-eight children. Third, with sixty children, only six teachers would be employed, and only four parking spaces would be required. While they do not meet the size requirements of the Zoning Regulations, four spaces will be provided on-site. The Board therefore will limit approval to sixty children. The Board will further grant approval for an initial four year period, to enable the actual impact of the center as operated to be assessed at such time as continued approval is requested.

The Board further concludes that the special exception can be granted as in harmony with the general purpose and intent of the Zoning Regulations and Maps and will not tend to affect adversely the use of neighboring property in accordance with said regulations and maps. It is therefore ordered that the application is granted, subject to the following conditions: